

455B.138 Resolution of violations — appeal.

1. When the director has evidence that a violation of any provision of [this subchapter II](#) or [chapter 459, subchapter II](#), or rule, standard, or permit established or issued under [this subchapter II](#) or [chapter 459, subchapter II](#), has occurred, the director shall notify the alleged violator and, by informal negotiation, attempt to resolve the problem. If the negotiations fail to resolve the problem within a reasonable period of time, the director shall issue an order directing the violator to prevent, abate, or control the emissions or air pollution involved. The order shall prescribe the date by which the violation shall cease and may prescribe timetables for necessary action to prevent, abate, or control the emissions of air pollution. The order may be appealed to the commission. The applicable time frames for the issuance and appeal of the order are defined in [section 455B.110](#).

2. After the hearing on appeal, the commission may affirm, modify, or rescind the order of the director.

3. The director shall keep a complete record of the hearings and proceeding and the record shall be open to public inspection, subject to [section 455B.137](#). Upon request, a copy of the transcript shall be furnished to the violator or alleged violator at the violator's or alleged violator's expense.

4. An appeal to the commission under [this section](#) shall be conducted as a contested case under [chapter 17A](#).

[C71, §136B.9; C73, 75, 77, 79, 81, §455B.17]

C83, §455B.138

[86 Acts, ch 1245, §1899](#); [2019 Acts, ch 97, §2](#); [2021 Acts, ch 76, §79](#)

Referred to in [§455B.149](#)

Subsection 1 amended